

R277-112 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON AUGUST 5, 2011. THE AMENDED RULE IS SCHEDULED TO BE PUBLISHED IN THE SEPTEMBER 1, 2011 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF OCTOBER 10, 2011.

R277. Education, Administration.

R277-112. Prohibiting Discrimination in the Public Schools.

R277-112-1. Definitions.

"Board" means the Utah State Board of Education.

R277-112-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board.

B. The purpose of this rule is to establish standards prohibiting discrimination in the public school system, specifically in programs under the supervision of the Board.

R277-112-3. Standards.

A. The Board does not advocate, permit, or practice discrimination on the basis of race, creed, color, national origin, religion, age, sex, or [handicap]disability. This rule incorporates by reference the following:

(1) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of [handicap]disability in programs and activities receiving Federal financial assistance;

(~~3~~)² Title IV of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000c et seq., which provides standards and training for educators relative to the desegregation of schools receiving Federal financial assistance;

(~~2~~)³ Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance;

(4) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination in employment based on race, color, religion, sex, or national origin in programs and activities receiving Federal financial assistance;

(5) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance;

(6) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination on the basis of race, color, religion, sex, or national origin, and also prohibits discrimination against an individual because of his or her association with another individual of a particular race, color, religion, sex, or national origin. Title VII also covers types of wage discrimination not covered by the Equal Pay Act;

(7) Equal Pay Act of 1963, 29 U.S.C. 206 et. seq., as amended in the Fair Labor Standards Act, which prohibits sex discrimination in pay under an equal work standard;

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(~~[6]~~8) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;

B. The Board shall take action consistent with:

(1) all regulations, guidelines, and standards lawfully adopted under the statutes named in [~~Subsections 3(A)(1) through (6)~~] R277-112-1A(1) through R277-112-1A(6) and effective as of July, 1993;

(2) all state laws prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or [~~handicap~~] disability and effective as of July, 1993.

C. All programs, activities, schools, institutions, and [~~school districts~~] local education agencies under the general control and supervision of the Board shall adopt policies and rules prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or [~~handicap~~] disability.

KEY: educational policy, civil rights

Date of Enactment or Last Substantive Amendment: [~~1987~~] 2011

Notice of Continuation: September 6, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3